

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ROSE DUNCAN,  
Plaintiff,

vs.  
UNITED STATES POSTAL SERVICE,  
POSTMASTER GENERAL PATRICK  
DONAHOE

## Defendants

Case No. 2:14-cv-1229-JCM-GWF

## ORDER

UNITED STATES POSTAL SERVICE,  
POSTMASTER GENERAL PATRICK  
DONAHOE  
Defendants

This matter is before the Court on Plaintiff's Motion for Default Judgment (#16), filed on January 6, 2016. Also before the Court is Plaintiff's Motion for Denial of 60 Day Motion for Extension of Time (#20), filed on February 23, 2016.

Federal Rule of Civil Procedure 4(i)(1)-(2) governs service of process on the United States, its officers or employees, and its agencies. Rule 4(i) provides, in part, as follows:

**(1) United States.** To serve the United States, a party must:

(A)(i) deliver a copy of the summons and of the complaint to the United States attorney for the district where the action is brought--or to an assistant United States attorney or clerical employee whom the United States attorney designates in a writing filed with the court clerk--or

(ii) send a copy of each by registered or certified mail to the civil-process clerk at the United States attorney's office;

(B) send a copy of each by registered or certified mail to the Attorney General of the United States at Washington, D.C.; and

(C) if the action challenges an order of a nonparty agency or officer of the United States, send a copy of each by registered or certified mail to the agency or officer.

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**(2) Agency; Corporation; Officer or Employee Sued in an Official Capacity.** To serve a United States agency or corporation, or a United States officer or employee sued only in an official capacity, a party must serve the United States and also send a copy of the summons and of the complaint by registered or certified mail to the agency, corporation, officer, or employee.

Therefore, in order to properly effectuate service on the United States Postal Service, Plaintiff must (1) serve a copy of the summons and amended complaint on the United States Attorney for the District of Nevada, (2) send a copy of the summons and amended complaint by registered or certified mail to the Attorney General of the United States at Washington, D.C., and (3) send a copy of the summons and amended complaint by registered or certified mail to Megan J. Brennan, who is the Postmaster General of the United States Postal Service. Following proper service, the United States Post Office, as an agency of the United States, is allowed sixty (60) days to respond to the amended complaint pursuant to Federal Rule of Civil Procedure 12(a)(2).

Defendant filed a Notice of Claim for Sixty (60) Days to Answer Plaintiff's Amended Complaint (#19), wherein Defendant asserts that proper service of process has yet to be effectuated and also reserves the right to take the sixty (60) day response time it is entitled to under Federal Rule of Civil Procedure 12(a)(2). The record here shows that service has only been made on the United States Postal Service General Counsel. *See Docket #14.* Thus, at this time, it does not appear that Plaintiff has properly served the amended complaint on Defendant as required by Rule 4(i)(1)-(2). Accordingly,

**IT IS HEREBY ORDERED** that Plaintiff's Motion for Default Judgment (#16) and Motion for Denial of 60 Day Motion for Extension of Time (#20) are **denied** without prejudice.

DATED this 25th day of February, 2016.

*George Foley, Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge